



Express Mailing Label No. EV 981 993 961 US

PATENT APPLICATION

Docket No: 14254.50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Richard Donald Gunn et al.

Serial No.: 10/003,971

Filing Date: November 2, 2001

Confirmation No.: 6628

For: IMPROVEMENT IN AND RELATING TO APPARATUS)
AND METHODS FOR MONITORING EMISSIONS)

Examiner: Timothy J. Moran)

)
)
)
)
) Art Unit
) 2878
)
)
)
)
)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Arlington, Virginia 22313-1450

Dear Sir:

Applicant respectfully disagrees in part with the Examiner's Statement of Reasons for Allowance as set forth in the communication mailed on September 22, 2003. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention.

However, Applicant respectfully submits that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicant further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the

Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Dated this 19th day of December 2003.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

**WORKMAN
NYDEGGER**

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

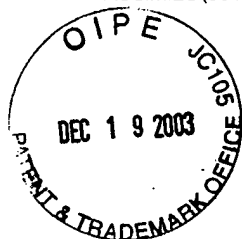
1000 EAGLE GATE TOWER

60 EAST SOUTH TEMPLE

SALT LAKE CITY, UTAH 84111

TELEPHONE (801) 533-9800

FACSIMILE (801) 328-1707



RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE†
STERLING A. BRENNAN†
GREGORY M. TAYLOR
DAVID B. DELLENBACH
R. BURNS ISRAELSEN
DAVID R. TODD
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED

R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
WILLIAM R. RICHTER
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE

† ADMITTED ONLY IN CALIFORNIA

PATENTS

TRADEMARKS

COPYRIGHTS

TRADE SECRETS

UNFAIR COMPETITION

LICENSING

COMPLEX LITIGATION

MAILING ADDRESS:

P.O. BOX 45862

SALT LAKE CITY, UT 84145

INTERNET

HOME PAGE: <http://www.wnpatent.com>GENERAL E-MAIL: info@wnpatent.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Donald Gunn et al.

Serial No.:

10/003,971

Filing Date:

November 2, 2001

Confirmation No.:

6628

For:

IMPROVEMENT IN AND RELATING TO APPARATUS)
AND METHODS FOR MONITORING EMISSIONS)

Examiner:

Timothy J. Moran

TRANSMITTAL OF ISSUE FEE

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Fee(s) Due dated September 22, 2003, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

X Fee(s) Transmittal (PTOL-85) submitted pursuant to 37 C.F.R. § 1.311.

— A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.

X Comments to Examiners Statement of Reasons for Allowance.

X Certified copy of United Kingdom No. 0027320.1.

X A Certificate of Express Under 37 C.F.R. § 1.10 is enclosed.

— Pursuant to the request for submission of formal drawings, enclosed are the following:

— A Letter to the Official Draftsperson;

— A set of _____ () sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.

— A duplicate set of the _____ () sheets of formal drawings with the changes therein highlighted in red.

X Form PTO-2038 submitting Credit Card Payment in the amount of \$1,675.00 is enclosed to cover:

X The \$1,330.00 government issue fee pursuant to 37 C.F.R. § 1.18.

X The \$300.00 Publication Fee.

X The \$45.00 fee for fifteen (15) copies of the patent when issued.

X The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

X A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 19th day of December 2003.

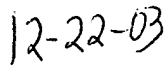
Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

022913

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER



4254.50

~~NEW~~ in re application of:

[illegible]

) Art Unit
) 2878

)
)
)

S)

)
)
)

Sam Kanger

022913

DLT:dfw
W:\14254\50\DFW0000008276V001.doc